

REMARKS

Claims 1-5, 7-13, and 15-34 were pending in the application, with Claims 1, 9, 16, 23, and 30 being independent. Applicant amends independent Claims 1, 9, 16, 23, and 30 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at pages 4-5 and 7-9, and in Figure 2. These revisions introduce no new matter.

Claims 1-5, 7-13, and 15-34 are now pending in the application. Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a): A. and B.

A. Claims 1-5, 7, 9-13, 16-21, 23-28, and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Remote Operating System Installation” (hereinafter “ROSI”) in view of U.S. Patent Publication Application No. 2001/0020228 A1 to Cantu et al. (hereinafter “Cantu”) which incorporates the “Handbook of Applied Cryptography”. Applicant respectfully traverses the rejection.

Independent Claim 1

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends independent Claim 1 to further clarify features of the subject matter. **Independent Claim 1** as amended now recites an out-of-band method implemented on a computing device having instructions executable by a

processor for asynchronously establishing a secure association with a server node, the method comprising:

generating a local public value and a local private value on a client node;

in response to an attempt to remotely load an operating system by the client node, wherein a profile of the operating system is stored on the server node; or

simultaneously with a generation of the local public value and the local private value on the server node;

allowing a client node to exchange information for remotely loading an operating system from one node to another node;

loading the operating system on the client node;

storing the public value for configuration of the secure association on an out-of band computer-readable storage medium, wherein the stored public value is not used for authentication;

transporting the out-of-band computer-readable storage medium to the server node to establish a trust relationship allowing for remotely loading the operating system on the client node from the server node, wherein a low level of trust is required as the trust relationship required between the client node and the server node is established by using a third party out-of-band entity;

receiving from the server node a public value generated by the server node via the out-of-band computer-readable storage medium, wherein the public value generated by the server node is generated with a private value generated by the server node in response to receiving the public value from the client node;

generating a secret value using the local private value in combination with the public value received from the server node; wherein the receiving is asynchronous to the generating the secret value;

producing the secret value as a function of a local private value; and

sharing the secret value by encrypting the secret value using an imported public key value, the public key value imported via the out-of-band mechanism.

Applicant respectfully submits that no such method is disclosed, taught, or suggested by ROSI and Cantu, alone or in combination.

ROSI and Cantu Fail to Disclose, Teach, or Suggest Amended Features

ROSI is directed towards remote operating system installation feature of Microsoft Windows 2000 that gives administrators the ability to deploy an operating system throughout the enterprise, without the need to physically visit each client computer (ROSI, Abstract).

Cantu fails to compensate for the deficiencies of ROSI. Cantu is directed towards using relationships among entities to exchange encryption keys for use in providing access and authorization to resources (Cantu, para. 0003). In Cantu, each entity has one relationship with one other entity and uses preexisting relationships among entities to exchange the encrypting keys, assuring the entities as to the authenticity of the keys with a degree of certainty corresponding to the nature of the relationship (Cantu, paras. 0015, 0019, 0085). Cantu shows a transaction of a key occurring as a part of preexisting relationship where the key is sent through some secure channel, such as providing a computer diskette or through an encrypted e-mail message (Cantu, para. 0089).

In the interest of expediting prosecution, Application amends Claim 1 to recite features that are not disclosed, taught, or suggested by ROSI and/or Cantu, alone or in combination. The features amended in Claim 1 recite:

- generating a local public value and a local private value on a client node;
- in response to an attempt to remotely load an operating system by the client node, wherein a profile of the operating system is stored on the server node; or
- simultaneously with a generation of the local public value and the local private value on the server node;
- allowing a client node to exchange information for remotely loading an operating system from one node to another node;
- producing the secret value as a function of a local private value;
- and

sharing the secret value by encrypting the secret value using an imported public key value, the public key value imported via the out-of-band mechanism.

Applicant respectfully submits that the amended features are not disclosed, taught, or suggested by ROSI and Cantu, alone or in combination.

Applicant reviews the evidence and respectfully submits that the evidence no longer supports an obviousness rejection as the Office failed to show that ROSI and Cantu, alone or in combination, disclose, teach, or suggest every feature recited in Applicant's amended Claim 1. Accordingly, Applicant respectfully requests that the § 103 rejection be withdrawn.

Independent Claims 9, 16, 23, and 30

Independent Claims 9, 16, 23, and 30 are directed to a computer-readable storage medium, an apparatus, a method, and an apparatus, respectively. These claims are allowable for reasons similar to those discussed above with respect to Claim 1.

Independent Claim 9 has been amended to recite in part, *"in response to an attempt to allow the a processor to remotely load an operating system by a client node from the another processor, wherein a profile of the operating system is stored on the another processor; or simultaneously with a generation of the two-part code by a server node; load the operating system on the processor; produce the secret value as a function of a local private value; and share the secret value by encrypting the secret value using an imported public key value, the public key value imported via the out-of-band mechanism."*

Independent Claim 16 has been amended to recite in part, *“in response to an attempt to remotely load an operating system by the first node, wherein a profile of the operating system is stored on a second node; or simultaneously with a generation of the local public/private key pair on the second node.”*

Independent Claim 23 has been amended to recite in part, *“on each of at least two nodes in response to an attempt of allowing a first node of at least two nodes to remotely load an operating system, wherein a profile of the operating system is stored on a second node of at least two nodes; or simultaneously with a generation of the public key and the private key on the second node”.*

Independent Claim 30 has been amended to recite in part, *“in response to an attempt to allow a node to remotely load an operating system through a secure association with another node, wherein a profile of the operating system is stored on the another node; or simultaneously with a generation of the local public/private key pair on the another node”.*

Applicant respectfully submits that the Office failed to show that ROSI and Cantu disclose, teach, or suggest each and every feature of Claims 9, 16, 23, and 30, as amended. Accordingly, Applicant respectfully requests that the § 103 rejection be withdrawn.

Dependent Claims 2-5, 7, 10-13, 17-21, 24-28, and 31-33 depend directly or indirectly from one of independent Claims 1, 9, 16, 23, and 30, respectively, and are allowable by virtue of this dependency. Dependent claims 2-5, 7, 10-13, 17-21, 24-28, and 31-33 are also allowable for their own recited features that, in combination with

those recited in independent Claims 1, 9, 16, 23, and 30, are not disclosed, taught, or suggested by ROSI and Cantu, alone or in combination.

B. Claims 8, 15, 22, 29, and 34 stand rejected under § 103(a) as being unpatentable over ROSI in view of Cantu, and further in view of Official Notice. Applicant respectfully traverses the rejection.

Dependent Claims 8, 15, 22, 29, and 34 depend directly or indirectly from one of independent Claims 1, 9, 16, 23, and 30, respectively, and are allowable by virtue of this dependency. In addition to citing to ROSI and Cantu, the Office cites to the Official Notice for support in rejecting Claims 8, 15, 22, 29, and 34 under § 103.

The Official Notice is directed towards computer diskettes being functional equivalents to any one of a personal digital assistant, flash memory, memory stick, barcode, smart card, USB-compatible device, Bluetooth-compatible device, and infrared-compatible device (Office Action, pgs. 23-24).

Dependent claims 8, 15, 22, 29, and 34 are also allowable for their own recited features that, in combination with those recited in independent Claims 1, 9, 16, 23, and 30, the Office did not show to be disclosed, taught, or suggested by ROSI, Cantu, and Official Notice, alone or in combination.

Applicant respectfully submits that the Office failed to show that ROSI, Cantu, and Official Notice, alone or in combination, render the claimed subject matter obvious and that the claimed subject matter, therefore, is patentably distinguishable over the cited references. For all of these reasons, Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

CONCLUSION

Claims 1-5, 7-13, and 15-34 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Fees will be paid by credit card through the EFS Web, however the Commissioner is hereby authorized to charge any deficiency of fees and credit any overpayments to Deposit Account Number 12-0769.

Respectfully submitted,

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